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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,021	02/28/2007	Wen Zhao	51791-17 /slr	3530
33787	7590	12/19/2008	EXAMINER	
JOHN J. OSKOREP, ESQ. ONE MAGNIFICENT MILE CENTER 980 N. MICHIGAN AVE. SUITE 1400 CHICAGO, IL 60611			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/580,021	ZHAO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TU X. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments with respect to claims 1, 13, 21, 24 and 25, have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black (7130282) in view of Bao et al. (US Pub. 2004/0196826).

Regarding claim 1, Black discloses a private instant communications processing element (see fig.2, element 218) for use in conjunction with a first carrier network (see col.6 lines 16-30), the first carrier network providing wireless access to a first plurality of wireless user devices, the first plurality of wireless user devices comprising at least one first private user device, and being configured to route signals from the at least one first private user device to the private instant communications processing element (see fig.3), the private instant communications processing element being adapted to: receive instant communications signals from the at least one first private user device via the first carrier network; perform instant communications signal processing on the instant communications signals for the at least one

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first private user device and to transmit instant communications signals to the at least one first private user device via the first carrier network (see fig.3).

Black fails to disclose routing signals to the private communication network.

Bao et al. disclose routing signals to the private communication network (par.044, 051).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Black with the above teaching of Bao et al. in order to provide a Packet Data Serving Nodes routing from the radio access network to/from other packet-switched networks.

Regarding claim 2, the modified Black discloses assign a generic identifier for the at least one first private user device to be included in a carrier network delivered instant communications session; generate a combined signal for the at least one first private user device to be included in the carrier network delivered instant communications session, and transmit, via the first carrier network (Bao et al., par.044, 051), the combined signal to the carrier instant communications processing element using the the generic identifier for inclusion as an input to the network delivered carrier instant communications session (Black, col.8 lines 51-62, col.16 lines 55-66).

Regarding claims 3, 8 and 14, the modified Black discloses the combined signal is transmitted to the carrier instant communications processing element which comprises a PoC (push-to-talk over cellular) server within the carrier network where the combined signal is treated as coming from a single user (Black, col.6 lines 20-21).

Regarding claims 4 and 17, the modified Black discloses in further conjunction with a second carrier network, the second carrier network providing wireless access to a second

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plurality of user devices, the second plurality of user devices operative in the second carrier network, comprising at least one second private user device, and being configured to route signals from the at least one second private user device to the private instant communications processing element, wherein the private instant communications processing element is further adapted to: receive signals from the at least one second private user device via the second carrier network; perform instant communications processing on signals received from the at least one first private user device and the at least one second private user device to produce instant communications signals for transmission to the at least one first private user device and to produce instant communications signals for transmission to the at least one second private user device (see Black, col.21 lines 6-20).

Regarding claims 5 and 20, the modified Black discloses the first plurality of user devices comprises at least one first regular user device, and the second plurality of user devices comprises at least one second regular user device (Black, col.10 lines 26-31), adapted to: assign a first generic user identifier appearing as a first single user within a first instant communications session established by the first carrier network and to assign a second generic user identifier appearing as a second single user within a second instant communications session established by the second carrier network; combine all second regular user device signals and all first and second private user device signals into a first combined signal and sending the first combined signal to a first carrier instant communications processing element of the first carrier network which in turn sends it to first regular user devices via the first carrier network using the first generic identifier; combine all first regular user device signals and all the first and second private user device signals into a second

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combined signal and sending the second combined signal to a second carrier instant communications processing element of the second carrier network which in turn sends it to second regular user devices via the second carrier network using the second generic identifier; combine signals from the first carrier instant communications processing element of the first carrier network and the second carrier instant communications processing element of the second carrier network into a third combined signal and sending the third combined signal to first private user devices via the first network and to the second private user devices via the second network (Black, col.8 lines 51-62).

Regarding claim 7, the modified Black discloses provide enhanced security features for the at least one first private user device (Black, col.10 line 65 through col.11 line 4).

Regarding claims 9 and 15, the modified Black discloses the instant communications signals comprise half-duplex communications (Black, col.1 lines 54-55).

Regarding claims 10 and 16, the modified Black discloses the instant communications signals comprise instant text messaging (Black, col.11 lines 50-51, see fig.2 element 228).

Regarding claims 11-12 and 22, the modified Black discloses a GLMS (group list management server), a presence server and a PoC server (Black, col.5 lines 7-25, col.6 lines 20-21).

Regarding claim 13, Black discloses a system comprising: a first carrier network delivering wireless access to first regular user devices and first private user devices, and comprising a first CICP (carrier instant communications processing element) adapted to deliver a first instant communications session in respect of a plurality of input signals; a PICP (private instant communications processing element) adapted to combine instant communications

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signals from at least one first private user device into a first combined generic signal for inclusion as one input to the first instant communications session delivered by said first carrier network ( fig.2, col.8 lines 51-62).

Black fails to disclose routing signals to the private communication network.

Bao et al. disclose routing signals to the private communication network (par.044, 051). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Black with the above teaching of Bao et al. in order to provide a Packet Data Serving Nodes routing from the radio access network to/from other packet-switched networks.

Regarding claim 18, the modified Black discloses the PICP receiving a request from one of the at least one first private user device containing a user identification and containing invitees comprising other private users and/or regular users; sending an invitation to any private users identified in the request via the first carrier network; receiving acceptances or rejections from private users of the invitation and adding private users to a list of private users for the instant communications session; assigning a generic identifier for the private users on the instant communications session; sending the invitation to regular invitees via the carrier instant communications processing element containing the generic identifier and identifiers of the regular invitees; the carrier instant communications processing element establishing the instant communications session including the generic identifier and the regular invitees that accepted the invitation (Black, col.10 line 65 through col.11 line 4).

Regarding claim 19, the modified Black discloses receiving a request from one of the private user devices containing a user identification and containing invitees comprising other

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private users; sending an invitation to any private users identified in the request via the first carrier network; receiving acceptances or rejections of the invitation from the private users and adding private users to a list of users for the instant communications session (Black, col.10 line 65 through col.11 line 4, col.16 lines 4-24).

Regarding claim 21, Black discloses a wireless user device having wireless access via a carrier network, the wireless user device comprising: a regular instant communications client adapted to participate in carrier network delivered instant communications sessions; a private instant communications client adapted to participate in instant communications sessions via the carrier network through a private instant communications processing element (see fig.2, col.10 lines 26-31).

Black fails to disclose routing signals to the private communication network.

Bao et al. disclose routing signals to the private communication network (par.044, 051). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Black with the above teaching of Bao et al. in order to provide a Packet Data Serving Nodes routing from the radio access network to/from other packet-switched networks.

Regarding claim 23, the modified Black discloses wherein the private instant communications client will not release private information related to the instant communication sessions that the private instant communications client participates in to the carrier network while a regular instant communications client in the same device also concurrently participates in a communication session (Black, col.8 lines 51-62, col.10 lines 26-31).



Regarding claim 24, Black discloses a computer readable medium having processor executable instructions stored thereon for execution by a wireless user device, the processor executable instructions (see col.23 lines 3-17) comprising: a regular instant communications client adapted to participate in carrier network delivered instant communications sessions; a private instant communications client adapted to participate in instant communications sessions via the carrier network through a private instant communications processing element (see fig.2, col.10 lines 26-31).

Black fails to disclose routing signals to the private communication network.

Bao et al. disclose routing signals to the private communication network (par.044, 051). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Black with the above teaching of Bao et al. in order to provide a Packet Data Serving Nodes routing from the radio access network to/from other packet-switched networks.

Regarding claim 25, Black discloses a system of providing a PoC communication session including private user devices and regular user devices in which signals of the private user devices are included in the PoC communication session in a manner that hides identities of the private user devices (see col.6 lines 20-21, col.10 lines 26-31, col.10 line 65 through col.11 line 4).

Black fails to disclose routing signals to the private communication network.

Bao et al. disclose routing signals to the private communication network (par.044, 051). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Black with the above teaching of Bao et al. in

order to provide a Packet Data Serving Nodes routing from the radio access network to/from other packet-switched networks.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black (7130282) in view of Bao et al. and further in view of Yi et al. (US Patent 6498787).

Regarding claim 6, the modified Black fails to disclose a number of participants behind the first generic user identifier to the first carrier instant communications processing element of the first carrier network for billing purpose.

Yi et al. disclose a number of participants behind the first generic user identifier to the first carrier instant communications processing element of the first carrier network for billing purpose (see col.25 lines 6-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Black with the above teaching of Yi et al. in order to provide billing user based on user'ID.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Patent Examiner, Art Unit 2618

12/15/08